

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|   |   |                       |
|---|---|-----------------------|
| Joseph Bernard Brunson,                     | ) |                       |
|   | ) | C/A No. 3:07-2977-MBS |
| Plaintiff,                                  | ) |                       |
|   | ) |                       |
| vs.   | ) |                       |
|   | ) |                       |
| Reginald I. Lloyd, U.S. Attorney, District  | ) |                       |
| of South Carolina; Larry Propes, Clerk of   | ) | <b>ORDER</b>          |
| Court for the U.S. District Court, District | ) |                       |
| of South Carolina; First Citizens Bank;     | ) |                       |
| and Henry McMaster, Attorney General        | ) |                       |
| for the State of South Carolina,            | ) |                       |
|   | ) |                       |
| Defendants.                                 | ) |                       |
|   | ) |                       |

Plaintiff Joseph Bernard Brunson, proceeding pro se, filed a complaint on August 30, 2007, alleging that his constitutional rights have been violated. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On November 21, 2007, the Magistrate Judge issued a Report and Recommendation in which he recommended that Defendants Reginald I. Lloyd, Henry McMaster, and First Citizens Bank should be dismissed because Plaintiff failed to state a claim against them. The court adopted the Report and Recommendation by order filed on January 7, 2008.

This matter is again before the court on Report and Recommendation filed by the Magistrate Judge on March 25, 2010. The Magistrate Judge recommends that the complaint be dismissed as to the sole remaining Defendant, Larry Propes, for failure to serve this Defendant within 120 days after

the complaint was filed. See Fed. R. Civ. P. 4(m). Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Defendant Propes is dismissed without prejudice pursuant to Rule 4(m), and the case closed.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

April 23, 2010.